

## BOARD OF ZONING APPEALS MEETING

TIPP CITY, MIAMI COUNTY, OHIO

February 18, 2009

**Meeting** Chairman Poff called this meeting of the Tipp City Board of Zoning Appeals to order at 7:30 p.m.

**Roll Call** Roll call showed the following Board Members present: Ron Poff, Stacy Wall, Katelyn Black, and John Borchers. Others in attendance: City Planner/Zoning Administrator Matthew Spring, and acting Board Secretary Marilyn Fennell.

Citizens attending the meeting: John Kessler, Matt Black, and Don Earnest.

**Absence** Mrs. Wall **moved to excuse Mr. David Berrett**, seconded by Ms. Black. Motion carried. Ayes: Wall, Black, Poff and Borchers. Nays: None.

**Election of Officers** Chairman Poff stated that due to the fact that Mr. Berrett was absent the election of Chairman and Vice Chairman would be tabled until the next regularly scheduled meeting. Mr. Borchers **moved to table the election until the next regularly scheduled meeting**, seconded by Mrs. Wall. Motion carried. Ayes: Borchers, Wall, Black, and Poff. Nays: None.

**Oath of Office** Ms. Black had previously taken the Oath of Office at a Council meeting. Mrs. Fennell administered the Oath of Office to Mrs. Stacie Wall.

**Board Minutes 11/19/08** Chairman Poff asked for discussion. There being none, Ms. Black **moved to approve the November 19, 2008, meeting minutes as written**, seconded by Mr. Borchers. **Motion carried.** Ayes: Black, Borchers, Poff, and Wall. Nays: None.

**Chairman's Introduction** Chairman Poff explained the guidelines and procedures for the meeting and public hearings. He advised the applicants that a decision of the Board could be appealed to City Council within 10 days. If the Board granted the applicant's request, the applicant may file the appropriate permits after the 10-day waiting period has expired.

**Citizen  
Comments**

John Kessler, 441 S. Second Street approached the dais. Mr. Kessler stated that the Independent Voice would like to get to know the staff and was looking into becoming more involved with the City and would like to do bios with photographs of the Board so the community could get acclimated with them. Board Members would discuss this and let him know.

**Administration of  
Oath**

Mrs. Fennell swore in citizens wishing to speak and Mr. Spring.

**New Business  
Case No. 01-09  
Donald Earnest  
Variance  
Request**

**New Business**

**A. Case No. 01-09: Donald Earnest - 39 Amokee Place - Inlot: Inlot 1328** - The applicant requested a variance of three (3) feet to Code §154.061(I) to allow a residential access drive three (3) feet from the side property line rather than the required six (6) feet.  
**Present Zoning District:** R-1C – Urban Residential Zoning District  
**Zoning Code Section(s):** §154.061(I)

Mr. Spring stated that in conjunction with an expansion of an existing driveway to access an approved detached garage at the rear of the single-family residence located at 39 Amokee Place, the applicant requested a variance of three (3) feet to Code §154.061(I) to allow a residential access drive three (3) feet from the side property line rather than the required six (6) feet.

Code §154.061(I) states:

Access drives within residential districts shall maintain a minimum setback distance of 6 feet from adjacent properties.

Mr. Spring noted that the proposed driveway would be located (at its closest point) three (3) feet from the side property line. Therefore a variance of three (3) feet to Code §154.061(I) is required ( $6 - 3 = 3$ ).

Mr. Spring explained the procedural requirements to grant the variance in this case as outlined in Sections §154.175(E), §154.175(C), and §154.175(D) of the Tipp City Code of Ordinances.

Mr. Donald Earnest, 39 Amokee Place approached the dais

Board Members found the following regarding the case: no comments from neighbors were received; driveway would allow cars to be off the street; wider drive would eliminate backing into

traffic; neighboring property had existing drive that was three foot to the property line; gate was ten foot wide.

Mr. Poff asked for further discussion. There being none, Ms. Black **moved to grant a variance of three (3) feet to Code §154.061(l) to allow a residential access drive three (3) feet from the side property line rather than the required six (6) feet**, seconded by Mrs. Wall. Motion carried. Ayes: Black, Wall, Poff, and Borchers. Nays: None.

**Business**

There was none.

**Miscellaneous**

There was none.

**Adjournment**

There being no further business, Mrs. Wall **moved to adjourn the meeting**, seconded by Mr. Poff and unanimously approved. **Motion carried**. Chairman Poff declared the meeting adjourned at 7:48 p.m.



Chairman Ron Poff

Attest:   
Mrs. Kimberly Patterson, Board Secretary

